

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 98-758

July 26, 2001

PUBLIC UTILITIES COMMISSION
Investigation into Use of Central Office
Codes (NXXs) by New England Fiber
Communications, LLC d/b/a Brooks Fiber

ORDER APPROVING
REQUEST OF GWI TO
EXTEND DEADLINE FOR
PROVIDING
GRANDFATHERED RX
SERVICE

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

In this Order we grant a motion by GWI, a customer of New England Fiber Communications, LLC d/b/a Brooks Fiber (Brooks), to allow Brooks to continue until September 30, 2001, to provide the RX service the Commission has permitted Brooks to provide on a limited, grandfathered basis. Brooks may continue that service to GWI until September 30, 2001.

In our prior orders we have found that Brooks had offered an "FX-like" service on an unauthorized basis, but we also required it to file rates, terms and conditions for that service (labeled "RX" service) on a grandfathered basis for those customers who were subscribers at the time of the Commission's findings and Order No. 4, issued on May 26, 2000 and June 30, 2000. GWI is a customer of the grandfathered service.

In our Order on Reconsideration in this docket, issued on November 14, 2000, pursuant to comments filed by RCN and Javanet, Inc., we decided to allow Brooks to continue the grandfathered service for six months, i.e., until May 14, 2001.

On May 8, 2001, we issued an Order in this docket extending the deadline for the provision of RX service by Brooks to GWI until July 30, 2001, and until September 30, 2001, to RCN.com. GWI now asserts that because of a lack of capacity at Verizon's Augusta SNS Hub, GWI cannot migrate all of its customers who rely on the Augusta Hub prior to the end of July. GWI also asserts that there are many customers served by Independent Telephone Companies (ITCs) who will not be able to access GWI through the SNS service because of "lack of support" for the SNS service within the ITC territories.

On July 13, 2001, Brooks filed a letter indicating it had no objection to GWI's request. On July 19, 2001, Verizon Maine filed a letter stating that it took no position on the relief requested by GWI. Verizon stated that it has worked diligently to address GWI's projected service needs, including the provision of all PRI trunks requested by

GWI in all Hubs throughout the State. Verizon indicates that all PRI trunks are now ready for immediate activation by GWI.

We find the requested extension to be reasonable and will grant it. We are aware of the many technical and capacity issues that have arisen in implementing the SNS service in Verizon's territory, as well as the lack of availability of the service in the ITC territory. We grant the extension in order to allow additional time for all issues to be addressed and resolved. We have determined that this service is valuable to customers and ISPs, and we expect it will be implemented in a timely manner and that it will operate efficiently once installed.

Accordingly, we

ORDER

That New England Fiber Communications, LLC d/b/a Brooks Fiber (Brooks) may provide grandfathered RX service to GWI until September 30, 2001.

Dated at Augusta, Maine, this 26th day of July, 2001.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.